

sacks containing the said article, was false and misleading, in that the said statement represented that the said sacks each contained 100 pounds of cottonseed cake, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the sacks each contained 100 pounds of cottonseed cake, whereas the sacks did not contain 100 pounds of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 25, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$35.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14246. Adulteration of tomato pulp. U. S. v. 600 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20692. I. S. No. 3139-x. S. No. C-4896.)

On December 4, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 600 cases of tomato pulp, at Fairmont, Minn., alleging that the article had been shipped by the Cates Canning Co., from Cates, Ind., November 3, 1925, and transported from the State of Indiana into the State of Minnesota, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 10, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14247. Adulteration of canned shrimp. U. S. v. 36 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20282. I. S. No. 3011-x. S. No. C-4787.)

On July 22, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 cases of canned shrimp, at Minnesota Transfer, Minn., alleging that the article had been shipped by the Marine Products Co., from Biloxi, Miss., May 28, 1925, and transported from the State of Mississippi into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Marine Fancy Shrimp Marine Products, Inc. New Orleans, La. Distributors Dry Pack."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 10, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14248. Misbranding of Kopp's. U. S. v. 12½ Dozen Bottles, et al., of Kopp's. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20473. I. S. Nos. 3078-x, 3079-x. S. No. C-4829.)

On October 7, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on November 17, 1925, an amended libel praying seizure and condemnation of 12½ dozen bottles, 1½-ounce size, and 7½ dozen bottles, 4-ounce size, of Kopp's, at St. Paul, Minn.; alleging that the article had been shipped by Kopp's Baby's Friend Co., from York, Pa., in part November 10, 1924, and in part July 20, 1925, and transported from the State of Pennsylvania into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was composed essentially of morphine sulphate, alcohol, sugar, and water, flavored with traces of essential oils and colored yellow.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Teething. This is usually a trying and critical experience in baby's career. The swollen and congested gums are very painful, and if this pain continues it causes extreme nervousness, the child becomes restless and fretful, there is indigestion which causes either diarrhoea or constipation, vomiting, in many cases, high fever and sometimes convulsions. A Teething Baby is a Nervous Baby and is more likely to contract Colds, Diarrhoea, Cholera Infantum, Whooping Cough, and other baby ailments, and is less able to withstand them. In fact, many a case of illness in an infant that in itself could be controlled, when complicated with Teething, becomes a very grave affair. It is therefore very important that teething be made as painless as possible," (French) "During dentition use this remedy regularly morning and evening," (German) "In the coming of the teeth it should be taken regularly morning and evening," (Spanish) "During dentition it should be used regularly night and morning," (Italian) "During dentition it is to be given to the little ones morning and evening regularly," (bottle label) "for child one week old * * * dose to be repeated in two or three hours if necessary to relieve pain," (circular) "Kopp's is manufactured by The Kopp's Baby's Friend Co., Successors to Mrs. J. A. Kopp," (bottle) "Kopp's Alcohol About 8½ Per Cent Sulphate of Morphine ⅓ Grain Per Ounce, Besides Other Medicinal Ingredients Made By The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp," (carton, which is that portion of the labeling first seen by purchaser) "Kopp's Alcohol About 8½ Per Cent. Sulphate Of Morphine ⅓ Grain Per Ounce Besides Other Medicinal Ingredients The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp."

On February 10, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14249. Adulteration of canned cherries. U. S. v. 15 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20592. I. S. Nos. 753-x, 1077-x. S. No. W-1813.)

On November 9, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 cases of canned cherries, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by Hunt Bros., from Salem, Oreg., August 25, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Genesee Brand Bing Variety Pitted Black Cherries."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On or about April 28, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

14250. Adulteration of canned sardines. U. S. v. 56 Cases, et al., of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20338, 20340, 20392, 20393, 20395. I. S. Nos. 3043-x, 3072-x. S. Nos. C-4805, C-4813.)

On August 12 and September 1, 1925, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 382 cases of canned sardines in part at St. Paul, Minn., and in part at Minneapolis, Minn., alleging that the article had been shipped by the Maine Cooperative Sardine Co., from Lubec, Me., in two consignments, July 8 and 29, 1925, respectively, and transported from the State of Maine into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: